

RESOLUTION NO. A-_____

1 WHEREAS, Speedway Properties has submitted an application for a permit to use
2 the public right-of-way on property generally located at 7th and P Streets, for installation of a level
3 sidewalk to provide handicap access to the building at 737 P Street; and

4 WHEREAS, said applicant has submitted a letter of application and a site plan which
5 are attached hereto, marked as Exhibit "A" and Exhibit "B" respectively, and made a part of this
6 resolution by reference, to use the public right-of-way as above described; and

7 WHEREAS, said applicant has complied with all of the provisions of Chapter 14.54
8 of the Lincoln Municipal Code pertaining to such use.

9 NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln,
10 Nebraska:

11 That the application aforesaid of Speedway Properties to use the public right-of-way
12 at 737 P Street for the purpose of constructing a level sidewalk to provide handicap access to the
13 building, be granted as a privilege only by virtue of and subject to strict compliance with the site plan,
14 the letter of application, and the following terms and conditions:

15 1. That the permission herein granted is granted as a privilege only, and is
16 subject to all the terms and conditions of Chapter 14.54 of the Lincoln Municipal Code including
17 those provisions relating to the posting of a continuing bond in the amount of \$5,000, the filing of a
18 certificate of insurance with a minimum combined single limit of \$500,000.00 aggregate for any one
19 occurrence, and the payment of the annual fee for the use of the surface of the public right-of-way
20 fixed at ten percent of the square foot value of the lot directly abutting such use multiplied by the
21 square footage of the use of the space.

22 2. That said use shall be in full accordance with the aforesaid application, the
23 revised site plan approved by the Director of Public Works & Utilities, and with all applicable City
24 ordinances and regulations.

1 3. That the applicant, its heirs, successors or assigns shall save and keep the
2 City free and harmless from any and all loss or damages or claims for damages arising from or out
3 of the use of the public way requested herein.

4 4. That all work done under the authority of this resolution shall be subject to the
5 inspection and approval of the Director of Public Works and Utilities of the City of Lincoln.

6 5. That the use of the public way herein granted and the terms and conditions
7 of this resolution shall be binding and obligatory upon the above-named applicant, and its heirs,
8 successors and assigns.

9 6. That within thirty (30) days from the adoption of this resolution, and before
10 commencing any construction under the provisions hereof, the above-named applicant shall file an
11 unqualified written acceptance of all the terms and conditions of this resolution with the City Clerk.
12 Failure to do so will be considered a rejection hereof and all privileges and authorities hereunder
13 granted shall thereupon automatically terminate.

Introduced by:

Approved as to Form and Legality:

City Attorney

Approved this ____ day of _____, 2005:

Mayor